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National Minimum Standards for Regulated Child Care

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Revised March 2012

National Minimum Standards for Regulated Child Care

Audience	All those with an interest in child minding and day care, particularly organisations in the child minding and day care sector, local authorities, child minding and day care providers, and parents.
Overview	This document replaces the National Minimum Standards for Regulated Child Care issued in April 2011. These standards will be used to determine whether child minding and day care settings are providing adequate care for children under the age of eight. They are to be read in the context of Part 2 (Child Minding and Day Care for Children) of the Children and Families (Wales) Measure 2010 and associated regulations. The regulatory body responsible for ensuring that these standards are met is the Care and Social Services Inspectorate Wales (CSSIW).
Action required	Registered child minding and day care providers are required to meet these standards.
Further information	Any questions should be addressed to: Childcare and Play Policy Branch Department for Health, Social Services and Children Welsh Government Cathays Park Cardiff CF10 3NQ Tel: 029 2082 6875 e-mail: childcareandplay@wales.gsi.gov.uk
Additional copies	This document can also be accessed from the Welsh Government's website at www.wales.gov.uk
Related documents	The Children and Families (Wales) Measure 2010 The Children and Families (Wales) Measure 2010 (Commencement No. 2, Savings and Transitional Provisions) Order 2010 The Children and Families (Wales) Measure 2010 (Commencement No. 2, Savings and Transitional Provisions) (Amendment) and (Consequential Amendments) Order 2011 The Child Minding and Day Care (Wales) Regulations 2010 The Child Minding and Day Care (Inspection and Information for Local Authorities) (Wales) Regulations 2010 The Child Minding and Day Care Exceptions (Wales) Order 2010 The Child Minding and Day Care (Disqualification) (Wales) Regulations 2010 (all available at www.cssiw.org.uk)

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Introduction

This document is a statement of the National Minimum Standards (NMS) which apply to child minders and providers of day care for children under the age of eight years who are required to register in accordance with the provisions of Part 2 of the Children and Families (Wales) Measure 2010 and its associated regulations. This version replaces the National Minimum Standards for Regulated Child Care, issued in April 2011.

These standards are made in accordance with section 30 (3) of the Measure and are designed to assist providers and settings to meet the regulations that are relevant to the service they provide. Registered persons must have regard to the standards which relate to the type of care provided.

The legislative framework for regulated child care in Wales sets out the functions of the Welsh Ministers as the registration authority. These functions are carried out on behalf of the Welsh Ministers by the Care and Social Services Inspectorate Wales (CSSIW). CSSIW encourages the improvement of social care, early years and social services by:

- Regulating.
- Inspecting and reviewing.
- Providing professional advice.

How to use the National Minimum Standards

These National Minimum Standards (NMS) apply in respect of *all* registered persons unless specific exceptions are noted in the boxes alongside a particular standard or group of standards. A small number of standards apply only to specific types of day care provision, in which case, this is also clearly indicated.

The NMS will be put into practice in different ways according to the nature of the service or setting, but all registered persons must have regard to the NMS and meet regulatory requirements and conditions of registration as evidenced in their Statement of Purpose.

Please note that:

- In all cases, the **registered person** (namely the registered child minder or registered provider of day care) is ultimately responsible for ensuring compliance with the regulations, having regard to the relevant NMS. This is always the case, even though in practice the responsibility may be delegated at a day-to-day level to a manager, person in charge or designated member of staff.
- Where day care is being provided by an organisation (a body corporate or an unincorporated association), a **responsible individual** who is responsible for day to day supervision of the provision of day care must be appointed by that organisation.

If the organisation is a body corporate, the person appointed as the responsible individual must be a director, manager, secretary or other officer of the organisation. If the organisation is an unincorporated association the responsible individual must be an officer or member of its governing body.

The responsible individual has to meet the regulatory requirements in terms of their suitability for the positions (as specified in regulation 6(3)(b)(iii) or (iv) of the Child Minding and Day Care (Wales) Regulations 2010).

It is the responsible individual who will generally be expected to demonstrate ongoing compliance by the day care provision with the various requirements of these regulations, having regard to the relevant statements in the NMS.

- A **person in charge** must be appointed if the registered person is an organisation and the responsible individual is not in full day-to-day charge of the child care provision, or if the registered person is an individual who is not in full day-to-day charge. Fuller information regarding this responsibility is given in Part 3, Child Minding and Day Care (Wales) Regulations 2010.
- Any reference to registered persons includes **child minders**.
- Any reference to parent(s) includes carer(s) and those who are not parents but have parental responsibility.
- References to staff include assistants to child minders and unpaid staff or volunteers.

These are National *Minimum* Standards for registration and in order to provide quality child care, the general expectation is that registered persons work toward ensuring that these basic standards are exceeded.

What do we mean by regulated child care?

Regulated child care includes a wide range of different provision which has previously been subject to different national minimum standards and this has had implications for settings and regulation.

These revised standards are intended to allow a flexible approach to meeting the needs of children which is not so rigidly focused on the different kinds of service - e.g. day care or sessional care - and allow providers to develop quality provision tailored to the needs of children, parents and local communities.

In Wales, child minding and the provision of day care for children under the age of eight is regulated by the Care and Social Services Inspectorate Wales (CSSIW). Educational quality and standards are inspected by Estyn for settings delivering early years education (the Foundation Phase). The non-maintained (i.e. private and voluntary sector) child care provision which Estyn inspects in relation to educational requirements may also be subject to registration and inspection by CSSIW for delivery of child care.

Regulated child care falls into two categories:

1. Child minding

A child minder is a person who looks after one or more children under the age of eight on domestic premises for reward.

A person acts as a child minder requiring registration with CSSIW if they are not otherwise specifically excepted under the provisions of the regulations (Part 2 of the Child Minding and Day Care Exceptions (Wales) Order 2010).

An applicant for registration as a child minder must not be disqualified from registration and must satisfy and be likely to continue to satisfy the prescribed requirements contained in Part 1 of Schedule 1 and Parts 3, 4 and 5 of the Child Minding and Day Care (Wales) Regulations 2010, SI 2010/2574. Anyone working or living on the premises with regular contact with the children must also not be disqualified.

Care for a child aged eight or over is not currently registerable. However, children aged eight and over may be cared for by a child minder that is registered and providing care for children under eight. There are proposals for the development of a voluntary approval scheme for care provided for older aged children.

Child minders providing early years education through the Foundation Phase curriculum must comply with the Framework for Children's Learning for 3 to 7 year-olds in Wales made under the Education Act 2002.

2. Day care

A person provides day care for children if at any time the children are cared for on non-domestic premises. If they provide day care for children on particular premises, they will require registration with CSSIW if they are not otherwise specifically excepted under the provisions in Part 3 of the Child Minding and Day Care Exceptions (Wales) Order 2010.

Day care on particular premises includes a range of different provision and CSSIW currently registers day care providers under the following categories:

- Full Day Care - Facilities that provide day care for children under eight for a continuous period of four hours or more in any day in premises which are not domestic premises. These may include day nurseries, children's centres, some family centres and wrap around care.
- Out of School Care - The total care is for more than two hours in any day and for more than five days a year. It is intended for children who attend school but may include children from the age of three years. These include breakfast clubs, after school clubs, holiday playschemes and summer camps.
- Sessional Day Care - Facilities that provide day care for children under eight for a session which is less than a continuous period of four hours in any day. The premises are not domestic premises. The service is mainly used by children aged from 3 to 5 rather than babies or toddlers, although some may admit 2 year olds. Where two sessions are offered in any one day, children must not attend more than five sessions per week. There must be a break between sessions with no children in the care of the provider. These may include playgroups, cylchoedd meithrin and other sessional care.
- Crèches - Facilities that provide occasional day care for children under eight and are provided on particular premises on more than five days a year. They need to be registered where they run for more than two hours a day, even where individual children attend for shorter periods. Some are in permanent premises and care for children while parents are engaged in particular activities (e.g. shopping or sport). Others are established on a temporary basis to care for children while their parents are involved in time-limited activities (e.g. a conference or an exhibition).
- Open access play provision (see below).

These categories are subject to review and up-to-date information on categories in use by CSSIW is available from their website www.cssiw.org.uk.

Individuals and organisations providing day care that must be registered must meet the statutory test under section 26 of the Children and Families (Wales) Measure 2010, namely that they are not disqualified from registration and satisfy and are likely to continue to satisfy the requirements under Part 2 of Schedule 1 to, and Parts 3, 4, and 5 of the Child Minding and Day Care (Wales) Regulations 2010.

Care for children aged eight or over is not currently registerable, but children aged eight and over may be cared for at a setting that is registered as providing care for children under eight. Day care settings providing early years education through the Foundation Phase curriculum must comply with the Framework for Children's Learning for 3 to 7 year-olds in Wales made under the Education Act 2002.

Open access play provision

Open Access Play provision usually caters for a wide age range of children, including those over seven years of age. Its main purpose is to offer play opportunities in a safe environment without parental supervision to enable children to play, learn and develop and mix with their peers, rather than provide child care. Children have the freedom to choose how they play and with whom they play; and when they arrive or leave the provision. They are not restricted other than where related to their safety and welfare.

These NMS apply to open access play provision which is regulated as a form of day care, although some standards will not be directly applicable due to the nature of the provision. This is staffed play provision for children over five and under eight which can be permanent or short-term and based in a variety of premises (such as Integrated Children's Centres, adventure playgrounds or playschemes) or locations (such as parks or play areas where there is no building).

Where standards are indicated as not applying to Open Access Play provision, they should still be considered desirable as good practice.

Exceptions: when don't you need to register?

There are a number of circumstances where a person providing care for this age group would not be required to register:

Child minding exceptions:

- If the care provider is a parent, foster parent, or relative of the child.
- If the total period of care in any one day does not exceed two hours.
- If care is provided by a person employed directly by the parents of up to two families (such as a nanny or an au pair), and caring for the children in the home of either of the families.
- If the care is provided only between 6pm on any one day and finishes by 2am the following day.
- If friends care for each other's children and no payment (whether money or money's worth) is made for the service.

Day care for children exceptions:

- If the care is provided on fewer than six days in any calendar year and the person has notified CSSIW in writing before the first occasion on which the relevant premises are used in that year.

- If the total period of care in any one day does not exceed two hours.
- If the carer is registered under Part 2 of the Care Standards Act 2000 to provide care to children looked after in a children's home.
- If the care is provided to a child accommodated in a care home, in a hospital as a patient or in a residential family centre or the care is provided as a part of the activity of any of these establishments (whether that care is provided by the provider of the establishment directly or by a person employed on the provider's behalf).
- If the care only takes place between the hours of 6pm and 2am, is provided at a hotel, guest house, or other similar establishment for a child staying there and the person providing the care does so for no more than two different clients at the same time.
- If the care is provided at a school and is incidental to the provision of education (where 'school' means a maintained school within the meaning of section 39 of the Education Act 2002, an independent school; or a school approved by the Welsh Ministers under s.342 of the Education Act 1996 (approval of non-maintained special schools)).
- If the carer is providing coaching or tuition in any of the following activities:
 - Sport.
 - Performing arts.
 - Arts and crafts.
 - School study or homework support.
 - Religious or cultural study.

This exclusion does not apply where the children are below the age of five and attend for more than four hours a day, or the person offers coaching or tuition in more than two of the above activities.

It is important to contact CSSIW¹ for further advice to establish whether a child care provision must be registered.

United Nations Convention on the Rights of the Child

In January 2004, the Welsh Government committed to using the United Nations Convention on the Rights of the Child (UNCRC) as the basis for its policies for children and young people. In January 2011, the National Assembly for Wales approved a new law – the Rights of Children and Young Persons (Wales) Measure 2011 to help ensure that this principle is put into practice. This received Royal Approval and became law in Wales in March 2011.

The UNCRC is an international human rights treaty for children and lists the rights that children have and the obligations of governments and all adults have in promoting those rights. The Articles of the UNCRC cover a wide range of civil,

¹ For further details see: www.cssiw.org.uk

political, economic, social and cultural rights and are relevant to all children and young people from birth to eighteen years.

Given that the UNCRC underpins the Welsh Government's rights-based approach to policy for children and young people, it is important to understand how this work helps to deliver upon its commitment to realising the rights within the UNCRC.

All those caring for and working with children and young people have a role to fulfil in recognising children's rights and helping them reach their potential as individuals. These rights include being protected from violence, abuse and neglect (Article 19); the right to have a say in decisions that affect them (Article 12) and the right to play and take part in leisure and cultural activities (Article 31). Rights are sometimes mistakenly thought to be in conflict with children's welfare, but the UNCRC articles all contribute together to ensuring that children are kept safe, nurtured and treated with respect.

Welsh Government has drawn up Seven Core Aims based on the UNCRC. These ensure that all children and young people:

- Aim 1** have a flying start in life and the best possible basis for their future growth and development (Articles 3, 29 and 36);
- Aim 2** have access to a comprehensive range of education, training and learning opportunities, including acquisition of essential personal and social skills (Articles 23, 28, 29 and 32);
- Aim 3** enjoy the best possible physical and mental, social and emotional health, including freedom from abuse, victimisation and exploitation (Articles 6, 18-20, 24, 26-29, 32-35, 37 and 40);
- Aim 4** have access to play, leisure, sporting and cultural activities (Articles 15, 20, 29 and 31);
- Aim 5** are listened to, treated with respect, and have their race and cultural identity recognised (Articles 2, 7, 8, 12-17 and 20);
- Aim 6** have a safe home and a community which supports physical and emotional well-being (Articles 19, 20, 25, 27, 32-35);
- Aim 7** are not disadvantaged by child poverty (Articles 6, 26, 27 and 28).

The National Assembly for Wales established the office of the Children's Commissioner for Wales in 2001. The Children's Commissioner's role is to promote and safeguard the rights and welfare of Wales' children, make sure they have a voice, and influence changes in policy and practice.

The Foundation Phase

The Foundation Phase is a new approach to learning for children from 3 to 7 years of age and has a statutory framework, the *Framework for Children's Learning for 3 to 7 year-olds in Wales*, to support it. An emphasis is placed on young children learning by doing and giving them more opportunities to gain first hand experiences through play and active learning.

The Foundation Phase is based on the principle that early years' provision should offer a sound foundation for future learning through a developmentally appropriate curriculum. It is important that child care settings – particularly those looking after 3 to 7-year-olds are aware of the principles of the Foundation Phase and the seven Areas of Learning.

The seven Areas of Learning identified complement each other and work together to provide a practical, relevant curriculum which develops children's skills. They are:

- Personal and Social Development, Well-being and Cultural Diversity.
- Language, literacy and communication Skills.
- Mathematical Development.
- Knowledge and Understanding of the World.
- Physical Development.
- Creative Development.
- Welsh Language Development.

The Foundation Phase is delivered in maintained schools and non-maintained settings funded by a local authority to provide education.

A framework that recognises progress and development in the early years will be developed for 0 to 3-year-olds focusing on the needs of the child before they enter the Foundation Phase and for use in Flying Start settings.

Equality and diversity

National Minimum Standard 16 deals with equality of opportunity specifically. However, a commitment to promoting equality and diversity must be clearly evidenced in other aspects of child care provision. Applicants for registration will need to consider how they promote equality and diversity under each of the eight NMS headings.

Other relevant Welsh Government policies

Welsh Government has a clear vision for Wales' children and young people and many policy areas impact on children's care and well-being. These policies include those on play and activity, child and infant health and nutrition, the Welsh language, emotional well-being, participation, the environment and tackling child poverty.

Those providing child care services and open access play opportunities are part of the way in which these policies are delivered.

Childcare and early years' policy in Wales differs from that in other parts of the UK, although there are aspects which are similar. Additional information about relevant policies, guidance and resources is available from the Welsh Government website: www.wales.gov.uk/childrenyoungpeople/

Other sources of information

Additional information regarding regulation and inspection can be obtained from the CSSIW website: www.cssiw.org.uk

The Care Council for Wales is responsible for promoting and securing high standards across the early years and childcare workforce. It aims to ensure that this workforce in Wales has the right skills and qualifications to work to a high professional standard, and is capable of delivering high quality service. Further information is available from their website: www.ccwales.org.uk

There are a number of organisations at a Wales, England and Wales or UK level that support child minders and day care providers and promote their interests and those of the children they care for.

National Minimum Standards for Regulated Child Care

Information on service

Standard 1: Information

Outcome:

Parents have all the information they need to make an informed choice about the child care service they require.

The registered person is responsible for ensuring that:

1.1 Parents are given sufficient accurate information for them to make an informed decision about the service.

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1.2 A Statement of Purpose has been compiled as set out in the regulations and information is given to prospective parents, orally and in writing, about the service provided.

The Statement of Purpose and additional information includes:

Aims and objectives of the service	
Numbers, ages and sex of children for whom care is to be provided	
Range of needs of relevant children to be met	
Opening hours	
Staffing	

Child Minding and Day Care (Wales) Regulations 2010

Information on service

The standards in this section relate to:
Regulation 15 – Statement of purpose

Full details of the provision, including: <ul style="list-style-type: none"> • Facilities available • Services offered • Activities offered • Routines 	
Language(s) used	
Terms and conditions	
Admissions policy	
Contact information	
Arrangements for dealing with complaints and concerns	
Arrangements for dealing with any emergency	
Details of arrangements to review the Statement of Purpose and inform CSSIW of changes to the service	
Details of pets or other animals on the premises	
(For child minders only) Composition of own family Whether the registered person is a foster carer	

Standard 2: The Contract

Outcome:

Parents have a written contract they have agreed with the registered person.

Standard 2 does not apply to open access play provision, although relevant elements should still be considered desirable as good practice

The registered person is responsible for ensuring that:

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- 2.1 A written contract is agreed with parents, setting out the expectations of both parties about the care of the child, activities provided and business arrangements.
 - 2.2 The written contract must include the terms and conditions, including information about:

Arrival and collection	
Sickness	
Administration of medication	
Holidays	
Dietary needs	
Emergency procedures	
Policy on behaviour management and sanctions	

Financial matters and fees (if any)	
Equal opportunities policy	
Complaints	

Planning for individual needs and preferences

Standard 3: Assessment

Outcome:

All children have their needs and preferences identified and their parents know how these will be met.

Standard 3 does not apply to open access play provision, although relevant elements should still be considered desirable as good practice

The registered person is responsible for ensuring that:

- 3.1 Each child's needs and preferences are identified as far as practicable before they are placed or attend.
- 3.2 Parents and children are encouraged to visit the child care provision before the child starts attending to make sure that their needs are clearly identified.
- 3.3 Parents are asked specifically about their child's preferences, needs and abilities, and for any other information they need to share to ensure the best possible care for the child.

Child Minding and Day Care (Wales) Regulations 2010

Planning for individual needs and preferences

The standards in this section relate to:

- Regulation 15 – Statement of purpose
- Regulation 20 – Safeguarding and promotion of welfare
- Regulation 21 – Food provided for children
- Regulation 22 – Arrangements for the protection of children
- Regulation 23 – Behaviour management, discipline and restraint
- Regulation 24 – Health needs of children
- Regulation 26 – Use and storage of medicines
- Regulation 29 – Employment of staff
- Regulation 30 – Keeping of records
- Regulation 31 – Provision of information
- Regulation 32 – Complaints
- Regulation 37 – Fitness of premises

Standard 4: Meeting individual needs

Outcome:

Each child's individual needs, including any special educational needs and disabilities, are planned for and provided for.

The registered person is responsible for ensuring that:

- 4.1 They can demonstrate that they can meet the assessed needs of children placed with them.
- 4.2 They (or their staff) have the skills and experience needed to plan for and meet a child's individual needs and preferences.
- 4.3 The needs and preferences of each child (including those from minority ethnic communities) in relation to their home language(s), intended medium of education (e.g. Welsh or English) and their social, cultural and religious practices are understood and catered for.
- 4.4 Appropriate action is taken when special needs are identified, and the welfare and development of the child is promoted in partnership with the parents and other relevant parties.
- 4.5 The current Code of Practice for Special Educational Needs (or Additional Learning Needs) for Wales is followed. Where appropriate, a child's particular needs are met through the provision of special equipment.
- 4.6 In group settings, a written policy statement consistent with current legislation and guidance about special needs is in place. This should cover both special educational needs and disabilities and must be available to parents.
- 4.7 Staffing arrangements are designed to meet the needs of individual children who attend and have special or additional needs.
- 4.8 The physical environment is, as far as is reasonable, suitable for disabled children.
- 4.9 Disabled children and those with special educational needs have access alongside their peers to the facilities, activities and play opportunities provided in order to promote their welfare and development.

4.10 Parents are consulted about any special services and equipment for the children being cared for. Where a possible need for specialist help is identified, parents are informed so that they may take appropriate steps to get advice or treatment.

4.11 The privacy of all children when intimate care is being provided is respected.

Standard 5: Records

Outcome:

Parents and CSSIW have access as appropriate to a full range of records maintained by the registered person for the smooth running of the setting.

The registered person is responsible for ensuring that:

5.1 Records are maintained as required by regulation 30, Schedule 3 of the Child Minding and Day Care (Wales) Regulations 2010:

Records that must be kept and maintained on the premises while the children concerned are being cared for	
The name, address and telephone number of the following:	
<ul style="list-style-type: none">• The registered person.• The responsible individual, where applicable.• Every other person living, working or employed on the premises where child care is provided.• Any other person who will regularly be in unsupervised contact with the relevant children.	
<ul style="list-style-type: none">• The name, home address, date of birth and sex of each relevant child.	
<ul style="list-style-type: none">• A daily record of the names of the relevant children, their hours of attendance and the names of the persons who looked after them.	Hours attended not mandatory for open access play provision

<ul style="list-style-type: none">• The name, address and telephone number of a parent of each relevant child.	
<ul style="list-style-type: none">• Any special dietary or health needs or allergy of any relevant child.	Not mandatory for open access play provision, although relevant elements should still be considered desirable as good practice
<ul style="list-style-type: none">• The name and address of the registered medical practitioner with whom each relevant child is registered.	
<ul style="list-style-type: none">• A record of accidents, serious illness and other significant events occurring on the relevant premises which affected the welfare of relevant children.	
<ul style="list-style-type: none">• A record of any medicinal product administered to a relevant child on the relevant premises, including the date and circumstances of its administration, by whom it was administered, including medicinal products which the child is permitted to administer to himself or herself, together with a record of a parent's consent.	
<ul style="list-style-type: none">• A statement of the procedure to be followed in the event of a fire or accident.	
<ul style="list-style-type: none">• A statement of the procedure to be followed where a parent has a complaint about the service provided by the registered person.	
<ul style="list-style-type: none">• A statement of the arrangements in place for the protection of relevant children, including arrangements to safeguard the children from abuse or neglect and procedures to be followed in the event of allegations of abuse or neglect.	
<ul style="list-style-type: none">• A statement of the procedures to be followed in the event of a relevant child being lost or not collected.	
<ul style="list-style-type: none">• The name, address and telephone number of every current member of the committee or governing body where the applicant is an unincorporated association.	

5.3 Records may include other useful contact information, such as mobile telephone numbers and email addresses, or details of other parents or carers of a relevant child, over and above those required in the regulations.

- 5.4 Records about individual children are shared with the child's parent, except where this would place the child's welfare at risk.
- 5.5 Records about individual children must be retained for a period of at least three years after the last date on which the children attended. The requirements of a registered person's insurance may require that records are retained for longer.
- 5.6 Records about individual children are kept secure and confidential and are always available for inspection by CSSIW at their request.
- 5.7 The parent or other adult collecting the child is asked to sign the record of any accidents to acknowledge the entry.
- 5.8 A copy is retained of the most recent inspection report from CSSIW, and where applicable Estyn, together with resultant action plans. These documents are available to parents.

Empowering service users, encouraging lifestyle choices

Standard 6: Working in partnership with parents

Outcome:

Parents are kept fully involved in and informed about their child's activities, achievement and progress.

The registered person is responsible for ensuring that:

- 6.1 They and their staff work in partnership with parents to meet the needs of the children, both individually and as a group.
- 6.2 Parents' primary responsibility for their children is recognised and respected.
- 6.3 Parents are kept fully informed about routines and child care practices.
- 6.4 Policies and procedures are available to all parents.
- 6.5 In a day care setting, information is given to parents that includes the role of parents, including any expectations that parents participate on the management committee or as volunteers. Any volunteers and committee members are given full information and guidance on their roles and responsibilities.
- 6.6 The policy about privacy and confidentiality will be made available. Any requests by third parties for information will be discussed with parents and information only shared with their consent. An exception can be made where there is a requirement to report concerns about the welfare of safety of the child, for example in relation to child protection.
- 6.7 If a child is identified as a child in need (Section 17 of the Children Act 1989) the registered person, with parents' permission, gives appropriate information to referring agencies.

Child Minding and Day Care (Wales) Regulations 2010

Empowering service users, encouraging lifestyle choices

This standard relates to:

Regulation 16 – Review of quality of care

Regulation 20 – Safeguarding and promotion of
welfare

Regulation 27 – Staffing

Regulation 32 - Complaints

Regulation 37 – Fitness of premises

- 6.8 Details of what their child has achieved during the day, including any significant event or change in behaviour, are shared with parents.
- 6.9 Records are kept containing details about the child and notes on his/her progress. Parents have access to all written records about their children (except as provided in NMS 6.10 below).
- 6.10 Regular information is provided for parents about activities provided, for example, through wall displays, photographs and examples of children's work.
- 6.11 Children are only released from the care of the provision to individuals named by the parents.
- 6.12 When caring for children under 2, there is a daily system for the exchange of information between the parent and the key worker. This includes information about the child's changing developmental and care needs and routines.

**Standards 6.8
– 6.12 do not
apply to open
access play
provision**

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Standard 7: Opportunities for play and learning

Outcome:

Children have a range of experiences - including freely chosen, unstructured and self-directed play - that contribute to their emotional, physical, social, intellectual, language and creative development.

The registered person is responsible for ensuring that:

- 7.1 The child's individual needs are met and their welfare is promoted by planning and providing play opportunities and activities to promote emotional, physical, social, creative, linguistic and intellectual development.
- 7.2 Resources used and play opportunities, first-hand experiences and activities provided aid the child's development and build on their natural curiosity.

- 7.3 Children are given opportunities to be active, indoors as well as out, as well as time to relax.
- 7.4 Children have opportunities to play and learn outdoors.
- 7.5 The environment is one that encourages children to be confident, independent and develop their self-esteem, to respect others and develop a sense of what is right and wrong.
- 7.6 Positive relationships are built with children and their parents to facilitate a good understanding of individual needs and home circumstances.
- 7.7 The National Standards on Children and Young People's Participation² are applied to the way in which the service is delivered:
- Adults looking after children listen and value what children say, talk with them about what they are doing and actively encourage them to explore their full potential.
 - Opportunities for involving children in decision making, evaluating and planning on a variety of levels are explored.
- 7.8 Resources are organised so that they are readily accessible to children and staff are deployed to support children's play and learning.
- 7.9 What children do is observed and recorded to help plan the next steps for the children's play, learning and development.
- 7.10 The principles of the Foundation Phase³ for 3-7 year olds and its seven areas of learning are understood and applied in a way appropriate to the age, abilities and stage of development of children in their care and the nature of the provision.
- 7.11 When providing care for children under 2:
- Children interact with a consistent adult at frequent intervals throughout the day.
 - There is clear planning of babies' activities.
 - Children under 2 should be fed and changed by their key worker or a consistent adult.

Standards 7.9 – 7.11 do not apply to open access play or out of school provision, although relevant elements should still be considered desirable as good practice

² <http://wales.gov.uk/topics/childrenyoungpeople/publications/participationstandards/?lang=en>.

³ http://wales.gov.uk/topics/educationandskills/earlyyearshome/foundation_phase/?lang=en.

Quality of care

Standard 8: Nurture and well-being

Outcome:

Children feel secure, happy and comfortable with their carers and in their environment, and their rights are respected.

The registered person is responsible for ensuring that:

- 8.1 Staff are aware of the United Nations Convention on the Rights of the Child and its implications for their work and their interaction with children.
- 8.2 The setting's policies and the care given promote warm relationships, security, self-esteem, independence and confidence for children, in a responsive, nurturing atmosphere.
- 8.3 Communication is positive and encouraging and children are listened to. There is eye contact and generally communication is at the child's level.
- 8.4 Children are enabled to develop confidence and self-esteem in the setting.
- 8.5 The settling-in process and separation from parents or carers minimises distress and anxiety.
- 8.6 Babies and very young children are able to develop an attachment to a consistent carer or small number of regular carers.

Child Minding and Day Care (Wales) Regulations 2010

Quality of care

The standards in this section relate to:

- Regulation 20 – Safeguarding and promotion of welfare
- Regulation 21 – Food provided for children
- Regulation 23 – Behaviour management, discipline and restraint;
- Regulation 24 – Health needs of children
- Regulation 25 – Hazards and safety
- Regulation 26 - Use and storage of medicines;
- Regulation 27 - Staffing
- Regulation 29 - Employment of staff
- Regulation 30 - Keeping of records
- Regulation 31 – Provision of information
- Regulation 37 – Fitness of premises

Standard 9: Behaviour

Outcome:

The behaviour of children is managed in a way that respects their rights and promotes their welfare and development.

The registered person is responsible for ensuring that:

9.0

- 9.1 Adults caring for children in the provision are able to manage a wide range of children's behaviour in a way that promotes their welfare and development and respects their rights under the UNCRC (for example, Article 19) and recognises that the reasons for 'bad' behaviour may be complex.
- 9.2 A written behaviour management policy is drawn up and implemented which complies with the regulations and states the methods used to manage children's behaviour. This is discussed with parents and fully understood and followed by staff. The policy is kept under active review and CSSIW is notified of any revision within 28 days of it being made.
- 9.3 Management of behaviour is consistent and developmentally appropriate, respecting individual children's level of understanding and maturity.
- 9.4 A positive approach to managing behaviour is used, involving praise and encouragement. Unacceptable behaviour - including bullying - is managed and addressed.
- 9.5 Adults providing care or play opportunities are alert to instances of bullying and encourage children to report any concerns.
- 9.6 Physical punishments, or the threat of them, are never used.
- 9.7 Children are never shaken, smacked, humiliated, shouted at, intimidated or shamed.
- 9.8 Adults do not use any form of physical intervention, e.g. holding or restraint, unless it is necessary to prevent personal injury to the child, other children or an adult, or serious damage to property. Any incident is recorded and the parent informed of the incident on the day.
- 9.9 It is clear who within the setting has responsibility for behaviour management issues. They have the skills to support any other staff and are able to access expert advice if usual methods are not effective with a particular child.

Standard 10: Healthcare

Outcome:

The health care needs of each child are identified and addressed as appropriate and children benefit from the way in which good health is promoted.

The registered person is responsible for ensuring that:

- 10.1 The good health of children is promoted and positive steps are taken to prevent the spread of infection with appropriate measures taken in cases of illness.
- 10.2 The premises and equipment are kept clean and hygienic.
- 10.3 Children are encouraged to learn about good personal hygiene - and practise it - through the daily routine.
- 10.4 Parents know that they must inform the registered person or child care service about their child's health care needs and - in consultation with the child's parent(s) - those needs are addressed, taking any action that is necessary.
- 10.5 Written parental permission is obtained in advance regarding any necessary emergency medical advice or treatment.
- 10.6 No child is received if he/she appears to be ill. If a child becomes unwell during their time in the child care or play setting, care is taken to prevent possible infection and parents are notified as soon as possible.
- 10.7 Other parents are notified if a child attending the setting, or anyone else on the premises (e.g. a staff or family member), has been diagnosed as having a significant infectious disease (e.g. chicken pox, impetigo) maintaining individual confidentiality as appropriate.
- 10.8 Staff are informed and aware of the importance of good hygiene practice in order to prevent the spread of infection. Staff are informed of and kept up to date with good hygiene procedures.

- 10.9 Any animals on the premises are safe to be in the proximity of children and do not pose a health risk.
- 10.10 Sandpits are protected from contamination and the sand is clean.
- 10.11 Those responsible for the preparation and handling of food are fully aware of and comply with regulations relating to food safety and hygiene.
- 10.12 There is a first aid box complying with the relevant regulations, the contents of which are checked frequently and replaced as necessary. Where appropriate, a designated member of staff should be responsible for this. The first aid box should be accessible to staff, but out of the reach of children.
- 10.13 In non-domestic settings, the service complies with the Health and Safety (First Aid) Regulations 1981 in relation to the employees.
- 10.14 At all times, at least one person caring for the children must have a current first aid qualification in first aid for infants and young children. In calculating the ratio of adults to children, the ratio of trained persons to children should never fall below 1:10. Such persons caring for the children should be trained in first aid and hold a qualification in first aid for infants and young children. All first aid qualifications should be kept up to date.
- 10.15 Child minders must have undertaken training in first aid for infants and young children. All first aid qualifications should be kept up to date.
- 10.16 Where care is provided for babies and children in nappies, there should be a nappy changing policy in place with which staff are familiar. The policy should cover both hygiene matters and good safeguarding practice.
- 10.17 Smoking is not permitted in the presence of children being looked after or on premises in which day care is provided.

Standard 11: Medication

Outcome:

Children are safeguarded by the setting's policies and procedures about medication, and receive the medication they need.

The registered person is responsible for ensuring that:

- 11.1 If medication is administered to a child, this is with the written agreement of the parent and with an understanding of the possible side effects of the medication.
- 11.2 The parent gives written permission before any medication is given.
- 11.3 Medication is stored in the original container, clearly labelled with the child's name and must be inaccessible to children.
- 11.4 Written records are kept of all medicines administered to children and parents sign the record book to acknowledge the entry.
- 11.5 There is a clear policy, understood and implemented by all staff and discussed with parents, about the storage and administration of medication. The policy conforms to the terms of the registered person's insurance cover.
- 11.6 Prescription medicines are not administered unless a doctor has prescribed them for that child. Any medicine received into the setting is not out of date.
- 11.7 Information is gained to establish from the person delivering the child exactly when medication was last administered.
- 11.8 If the administration of prescription medicines requires technical or medical knowledge then individual training is provided by a qualified health professional. Training is specific to the individual child concerned.

Standard 12: Food and drink

Outcome:

Children are provided with regular drinks and food in adequate quantities for their needs.

The registered person is responsible for ensuring that:

- 12.1 Information is obtained from parents and recorded about individual children's dietary requirements, including cultural and religious requirements and therapeutic diets for officially diagnosed food allergies, and these are complied with.
- 12.2 If children receive meals and/or snacks, they are safely prepared, nutritionally balanced, of good quality and appropriate in quantity following recommendations in Welsh Government Food and Health Guidelines for Early Years and Childcare Settings (2009).⁴
- 12.3 Fresh drinking water is freely available to children at all times.
- 12.4 Children who are provided with day care or who remain with a child minder for the whole day are offered a balanced midday meal and tea time meal (as well as breakfast, if appropriate), with between meal snacks and drinks. The food and drink offered is varied and nutritious and meets the religious, cultural and dietary requirements of each of the children. Children attending for part of the day are offered meals, snacks and drinks appropriate to the length of stay.
- 12.5 Any food or refreshments in any other settings is nutritious and complies with dietary and religious requirements.
- 12.6 All food is stored safely. If parents provide packed lunches, they are informed of what can be stored safely.
- 12.7 Food Standards Agency and Environmental Health requirements are complied with.
- 12.8 In settings where there are set meal and refreshment times, they are arranged to provide sociable opportunities for children, using tables, seating and appropriate crockery and cutlery.

⁴ <http://wales.gov.uk/topics/health/improvement/index/guidelines/?lang=en>

12.9 If care is provided for babies and children under 2:

- Feeding and nappy changing takes place in accordance with the child's individual needs and not as part of a nursery routine.
- Facilities are available to support mothers who wish to continue to breastfeed, e.g. for safe storage of expressed milk or for visiting in order to breastfeed their baby during the working day. In exceptional circumstances, where facilities are not permanently available, temporary arrangements are made as required.
- Babies are held when being bottle fed, preferably by the same carer or key worker.
- An area is provided with access to drinking water and facilities for the hygienic preparation of babies' feeds.
- Suitable sterilisation equipment is used for babies' feeding equipment and dummies.
- Records are kept of babies' food intake and are shared with their parent(s).

Staffing

For child minders

Standard 13(CM): Suitable person

See separate standard 13(DC) for day care providers

Outcome:

Children's needs are fully met by those who look after them.

Child Minding and Day Care (Wales) Regulations 2010

Staffing

This standard relates to:

Regulation 6 – Registered person: suitability
Regulation 9 – Registered person: general requirements
Regulation 27 – Staffing
Regulation 28 – Suitability of workers
Regulation 29 – Employment of staff

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- 13.1(CM) The child minder and any assistant employed by them are suitable to look after children under the age of eight, and have the appropriate skills, experience and qualifications to meet the needs of the children.
- 13.2(CM) The child minder has successfully completed an appropriate pre-registration course recognised in the Care Council for Wales' current list of *Accepted Qualifications for the Early Years and Childcare Workforce in Wales* (or any list which supersedes it) and is at least 18 years of age.
- 13.3(CM) The child minder, any assistant, and any other persons aged 16 years or over who lives, works (including on a voluntary basis) or is otherwise present on the relevant premises and has or is likely to have regular contact with children has undergone a vetting procedure which complies with the Regulations and includes a CRB enhanced disclosure check. All checks are completed before the child minder and any assistant commence caring for children.
- 13.4(CM) The child minder notifies the CSSIW about their intention to employ any assistants to look after children.
- 13.5(CM) The child minder is accountable for, and supervises the work of any assistant. The child minder needs to remain satisfied that the assistant is competent in all areas of work undertaken. The child minder keeps a record of any assistant's details, including their full name and information about recruitment, training and qualifications.

13.6(CM) The child minder has completed an appropriate first aid course which includes training in first aid for infants and young children before commencing child minding. A current first aid certificate is maintained.

13.7(CM) The following information should be maintained on a daily basis:

- name and address of assistants (if they are employed);
- the names of people present, or likely to be present in the home, when child minding takes place.

For day care

Standard 13(DC): Suitable person

Outcome:

Children's needs are fully met by those who look after them.

See separate standard 13(CM) for child minders

The registered person is responsible for ensuring that:

13.1(DC) They are able to demonstrate their suitability and that of any other person providing day care, looking after children under the age of eight or having, or likely to have, unsupervised contact with them.

13.2(DC) All information requested by CSSIW in order to establish their suitability and the suitability of all staff and any other person aged 16 years or over who lives, works (including on a voluntary basis) or is otherwise present on the relevant premises and has, or is likely to have, regular contact with the children, is provided. The suitability checks will comply with the Regulations and include a Criminal Records Bureau (CRB) enhanced disclosure check. All relevant checks must be completed before persons start working with children or having regular unsupervised contact with children.

- 13.3(DC) Prior to their appointment, a person in charge (manager) has at least 2 years' experience of working in a day care setting.
- 13.4(DC) All staff have the appropriate experience, qualifications, skills and ability to do their jobs.
- 13.5(DC) All staff are mentally and physically capable of caring for children.
- 13.6(DC) The person in charge has at least a level 3 qualification recognised on the Care Council for Wales' current list of *Accepted Qualifications for the Early Years and Childcare Workforce in Wales* or *Skills Active's Integrated Qualification Framework for Playwork* (or any lists which supersede them), which is appropriate to the post.
- 13.7(DC) (a) At least 50% of the non-supervisory staff holds a qualification at least at level 2 from the Care Council for Wales' current list of *Accepted Qualifications for the Early Years and Childcare Workforce in Wales* or *Skills Active's Integrated Qualification Framework for Playwork* (or any lists which supersede them), which is appropriate to the post. At least half of these have a qualification at level 3.
- ☞ 13.7(DC) (b) For full day care at least 80% of the non-supervisory staff holds a qualification at least at level 2 from the Care Council for Wales' current list of *Accepted Qualifications for the Early Years and Childcare Workforce in Wales* or *Skills Active's Integrated Qualification Framework for Playwork* (or any lists which supersede them), which is appropriate to the post. At least half of these have a qualification at level 3.
- 13.8(DC) All trainees work under close supervision at all times.
- 13.9(DC) All staff receive induction training which includes health and safety and child protection policies and procedures during their first week of employment.
- 13.10(DC) The continuing training needs of staff are addressed and provided for on a regular basis.
- 13.11(DC) All paid staff receive regular one-to-one supervision which encourages them to think about the quality of their practice and raise any safeguarding concerns. They also receive formal appraisal at least once a year.⁵

⁵ Further information on good practice in the recruitment, management, and supervision of staff is available from the Care Council for Wales website: <http://www.ccwales.org.uk/development-and-innovation/early-years-and-childcare-workforce/information-employers/guides-employers-early-years>

13.12(DC) In settings caring for under 2s:

- Staff caring for babies are competent to do so.
- At least 50% of staff caring for babies have received training in this specific area.
- The person in charge of the babies' room has at least two years experience of working with children under two years.
- Arrangements for staffing minimise the number of carers for an individual child (see standard 8.6).

Conduct and management of the service

Standard 14: Organisation

Outcome:

Parents and children benefit from a well organised and planned service.

The registered person is responsible for ensuring that:

14.1 An operational plan is developed and periodically reviewed. This is available to parents. The aim of this plan is to ensure that the service is well planned and organised and to allow maximum flexibility in organising the provision according to available resources and the needs of children and families. The content of the plan will vary according to the type of provision, but may include:

- Details of the organisational structure.
- Lines of management.
- Details of the premises and facilities and how they are used.
- Training plans.
- Information about the development of the service.
- Action plans.

14.2 Staff are employed effectively within the provision to ensure the safety, welfare and development of children.

14.3 There is a named deputy who is able to take charge in the absence of the person in charge. This does not apply to child minders.

Child Minding and Day Care (Wales) Regulations 2010

Conduct and management of the service

The standards in this section relate to:

Regulation 6 – Registered person: suitability

Regulation 9 – Registered person: general requirements

Regulation 15 – Statement of purpose

Regulation 16 – Review of quality of care

Regulation 17 – Assessment of service

Regulation 18 – Compliance notification

Regulation 20 – Safeguarding and promotion of welfare

Regulation 27 – Staffing

Regulation 28 – Suitability of workers

Regulation 32 – Complaints

Regulation 33 – Handling complaints

- 14.4 Children aged under two years are cared for in groups of no more than 12. Otherwise, the size of a group never exceeds 26 children. A provision may include more than one group. While smaller key groups with consistent staff should be the norm, movement of children and staff between groups in the course of the day may be encouraged within the setting, if that is planned to provide a richer experience for children.
- 14.5 Every child is allocated to a member of staff who is their key worker. The key worker is mainly responsible for their well-being on a daily basis and ensures that information about the child is exchanged with the parent.
- 14.6 Children have the opportunity to interact with the adults caring for them. Staff actively seek to build good relationships with the children and include opportunities for small groups of children to interact and play together.

Standard 15: Staffing ratios

Outcome:

∞
∞ *Children benefit because the ratio of adults to children conforms to best practice.*

The registered person is responsible for ensuring that:

- 15.1 The required adult:child ratios are met.
- 15.2 Any care provided for children aged 8 to 14 does not adversely affect the care provided for children under 8 years of age.
- 15.3 There are always at least two staff on duty.
- 15.4 Staffing levels are maintained during outings and, according to circumstances, it may be necessary to exceed them. Staff supervising outings are qualified to level 3.
- 15.5 Suitable contingency arrangements are in place to cover emergencies and unexpected staff absences. There are sufficient, suitable staff and volunteers to cover staff breaks, holidays, training, sickness and time spent with parents.

**Standards 15.3 –
15.6 do not
apply to child
minders**

- 15.6 The adult: child ratios relate to staff time available to work directly with children. Additional staff and management resources may be required to undertake management tasks, prepare meals or snacks, for domestic tasks and to maintain premises and equipment if it involves a member of staff leaving their child care duties.
- 15.7 The maximum number of children for whom a child minder may care is as follows:
- Six children under eight years of age.
 - Of those six children, no more than three may be under five years of age.
 - Of those three children, normally no more than two may be under 18 months of age, although exceptions can be made for siblings.
- 15.8 Where a child minder employs an assistant, the same adult child ratios apply for any additional children. However, the space available for children on the premises may also affect the numbers for which provision can be registered.
- 15.9 Children aged three to five years who attend full-time education provision may be classed as over five years for the purposes of the ratios relevant to child minders. In line with Standard 15.7, at no point must a child minder care for more than six children aged under eight years at any one time.
- 15.10 The ratios include a child minder's own children and any others for whom she/he is responsible and who are on the premises.
- 15.11 Students on training placements of 12 weeks or less are not included in the adult:child ratio.
- 15.12 In day care the minimum staffing ratios are:
- One adult to three children under 2 years.
 - One adult to four children aged 2 years.
 - One adult to eight children aged 3 - 7 years.

These ratios include any children of staff or volunteers and apply to any activity including escorting and transporting children. Regular volunteers can be taken into account in the normal staffing ratios.

- 15.13 In full day care settings registered for 20 or more children, the manager should not be included in any calculation of adult:child ratios. For settings registered for less than 20 children, there is no expectation for the manager to be supernumerary and therefore, the manager may be included in the adult: child ratio calculations.
- 15.14 For Open Access Play provision the minimum staffing ratio is 1:13 children aged five to seven years. Children under five do not generally attend. Ratios may need to be higher for schemes which operate in public parks.
- 15.15 Where play provision operates indoors, the registered person has a system which enables them to know which children are on their premises.
- 15.16 Day care provision (including open access play provision) offering specialist activities maintain written operating procedures for each specialist activity programme. These operating procedures must:
- Be appropriate to the site and level at which activities are undertaken.
 - Define the competencies, qualifications and/or experience required of staff undertaking different levels of responsibility.
 - Be consistent with the Health and Safety Executive Guidelines, where appropriate, Activity Centre Advisory Committee Guidelines, where they are established and with the National Governing Body Guidelines, where they are relevant, to the safe conduct of the activity at the level undertaken.
- 15.17 All staff with management responsibility for an activity, possess the competencies, qualifications and experience required to discharge the responsibility. An activities licence is required where applicable.
- 15.18 If the nature of the day care provision means that there are changing numbers (e.g. in the case of a crèche or other drop-in provision) there must be adequate staff to ensure the security of any group of children which is constantly changing and give children the help they need to settle in. Regular volunteers and trainees can be taken into account in the normal staffing ratios.

Standard 16: Equal opportunities

Outcome:

All children are treated with equal concern and respect.

The registered person is responsible for ensuring that:

- 16.1 Equality of opportunity and anti-discriminatory practice is promoted in the setting.
- 16.2 There is an equal opportunities policy, which is consistent with current legislation and guidance and is regularly reviewed. All staff and volunteers understand and implement this policy and it is available to parents.
- 16.3 All children and adults are treated with equal concern and the registered person complies with relevant anti-discriminatory legislation and good practice in all areas, including employment, training, admission to day care and access to the resources, activities and facilities available.

Standard 17: Financial procedures

Outcome:

Children and their parents are safeguarded by the registered person operating sound financial procedures.

The registered person is responsible for ensuring that:

- 17.1 Effective financial procedures are operated.
- 17.2 There is adequate public liability insurance, and valid insurance for vehicles if used.
- 17.3 If requested by CSSIW, records of all financial transactions relating to the provision of care to relevant children must be made available.

Standard 18: Quality assurance

Outcome:

Children and their parents benefit from a quality service that is effectively monitored.

The registered person is responsible for ensuring that:

- 18.1 There are effective quality assurance and quality monitoring systems in place. The views of the children and their parents are sought as part of this process to measure the success of the service in meeting the assessed needs of the children.
- 18.2 There is continuous monitoring of the quality of service provided that meets the requirements of regulations (Child Minding and Day Care (Wales) Regulations 2010, Regulation 16 – Review of quality of care).
- 18.3 They take account of the advice and recommendations of CSSIW and any professional bodies to which they may be affiliated.

Complaints, protection and notifications of significant events

Standard 19: Complaints

Outcome:

Children and their parents are confident that their complaints will be listened to, taken seriously and acted on.

Child Minding and Day Care (Wales) Regulations 2010

Complaints, protection and notifications of significant events

The standards in this section relate to:

Regulation 10 – Notification of offences
Regulation 11 – Death of registered person
Regulation 15 – Statement of purpose
Regulation 22 – Arrangements for the protection of children
Regulation 23 – Behaviour management, discipline and restraint
Regulation 28 – Suitability of workers
Regulation 31 – Provision of information
Regulation 32 – Complaints
Regulation 33 - Handling complaints
Regulation 34 - Local resolution
Regulation 35 – Formal Consideration
Regulation 36 – Complaints subject to concurrent consideration

The registered person is responsible for ensuring that:

19.1 A simple, clear and accessible written complaints procedure is in operation, which complies with the Regulations.

- 19.2 The complaints procedure includes information about how to contact CSSIW, including the name, address and telephone number of the relevant CSSIW office.
- 19.3 All complaints are handled in a sensitive and confidential manner.
- 19.4 Complainants are informed that they have the right at any time to complain to the local authority which has arranged for the provision of child minding or day care for the particular child. Complainants must also be informed that they have the right at any time to complain to CSSIW.
- 19.5 They consider and, where possible, investigate and resolve complaints locally⁶.
- 19.6 The complainant is notified, in writing, of the outcome of the investigation within 14 days of receiving the complaint. With the agreement of the complainant the period for resolution may be extended by up to a further 14 days if necessary.
- 19.7 An accurate and detailed written record of all complaints is kept, which includes the following information:
- Name of complainant.
 - Nature of complaint.
 - Date and time of complaint.
 - Action taken in response to complaint.
 - Result of complaint investigation.
 - Information given to the complainant, including the date of response.

⁶ Local and formal resolution procedures are described more fully in *Listening and Learning: A guide to handling complaints and representations in local authority social services in Wales*, Welsh Government

Standard 20: Child protection

Outcome:

Children are protected from harm and abuse and parents are confident that all possible steps to protect children from abuse are taken.

The registered person is responsible for ensuring that:

- 20.1 The protection of the child is the first priority and it is everybody's responsibility.
- 20.2 There is a written child protection policy in place. The policy should demonstrate its awareness of the Local Safeguarding Children Board (LSCB) and All Wales Child Protection Procedures. In producing this policy, the registered person must also be familiar with the Welsh Government's Safeguarding Children: Working Together under the Children Act 2004 guidance.
- 20.3 The child protection policy is shared with parents before a child is admitted and clearly states staff responsibilities for reporting suspected child abuse or neglect. It includes contact names and telephone numbers and the procedures to be followed in the event of an allegation being made against a member of staff or volunteer and the implications for disclosure of information.
- 20.4 A designated member of staff has attended a child protection training course and is responsible for liaison with child protection agencies in any child protection situation.
- 20.5 Any persons working and looking after children are able to put the policy into practice and are aware of safeguarding and child protection issues, including physical abuse, neglect, emotional abuse and sexual abuse and are able to implement the procedures.
- 20.6 Staff are aware of their responsibility to report concerns according to LSCB procedures without delay.

Standard 21: Notifications of significant events

Outcome:

Impacts of changes on children's welfare are made known.

21.1 CSSIW is informed of the following immediately in line with the regulations (Child Minding and Day Care (Wales) Regulations 2010, Regulation 31, Schedule 4):

- In the case of child minding, the full name, date of birth, and former names or aliases and home address of a change in any person looking after children on the relevant premises or any person living or employed on those premises.
- Any change in the type of care provided by a registered person or in the hours during which care is provided.
- In the case of day care, the full name, date of birth, and former names or aliases and home address of a change in any person in charge, anyone looking after children on the relevant premises, anyone living on those premises, or anyone else working on the premises in the same part, or at the same time, as the children are looked after.
- Where the day care is provided by a committee or corporate or unincorporated body, the full name, date of birth, and former names or aliases and home address of a change in the Chair, Secretary, Treasurer, or other person holding a comparable position in the organisation.
- Any change in the name or home address of the registered person or any of the persons described above.
- In the case of day care, any change in the name or address of the registered or principal office, where the registered person is an organisation.
- In the case of day care, any change in the facilities to be used on the relevant premises, including changes in the number of rooms, their functions, the numbers of lavatories and washbasins, any separate facilities for adult workers and access to the premises for cars.
- The outbreak at the relevant premises of any infectious disease which in the opinion of any registered medical practitioner attending a child or other person at the premises is sufficiently serious to be so notified, or of any serious injury to, serious illness of, or the death of, any child or other person on the premises.

- Any allegations of serious harm to a child committed by any person looking after relevant children at the premises, or by any person living, working or employed on the premises, or any abuse which is alleged to have taken place on the premises.
- Any other event likely to affect the suitability of the registered person to look after children or the suitability of any person living, working or employed on the premises to be in regular contact with children.
- Any other significant event which is likely to affect the welfare of any child on the premises.

The physical environment

Standard 22: Environment

Outcome:

Children are cared for in an environment that is safe, secure and suitable for their purpose.

The registered person is responsible for ensuring that:

Child Minding and Day Care (Wales) Regulations 2010

The physical environment

The standards in this section relate to:

Regulation 20 – Safeguarding and promotion of welfare
Regulation 25 - Hazards and safety
Regulation 37 – Fitness of premises
Regulation 38 – Fire precautions

- 22.1 The setting is welcoming and friendly to children and parents and provides a rich environment for play.
- 22.2 The physical environment is safe, secure, and suitable for their purpose. The provision provides adequate space in an appropriate location, is welcoming to children and offers access to the necessary facilities for a range of activities that promote their development.
- 22.3 Any premises that are part of the provision are clean, well lit with adequate natural lighting, adequately ventilated and maintained in a suitable state of repair and decoration.
- 22.4 Local planning and building control requirements are met.
- 22.5 There is access to a telephone.
- 22.6 Rooms are maintained at a temperature of at least 18 degrees Centigrade (65 degrees Fahrenheit).
- 22.7 Play areas are large enough to give scope for free movement and well spread out activities.

22.8 In child minding provision, the indoor playing space provides at least the following minimum per child:

- under 2 years – 3.5 sq metres;
- 2 to 7 years – 2.5 sq metres.

22.9 The premises where day care is provided are for the sole use of the facility during the hours of operation.

22.10 The indoor playing space in day care (including open access play provision) provides at least the following minimum per child:

- under 2 years - 3.7 sq. metres;
- 2 years - 2.8 sq. metres;
- 3 to 7 years - 2.3 sq. metres.

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22.11 Within the operational plan, it is clear how the indoor play space will be divided up and used to provide activities for groups of children and how staff will be deployed within it. The expectation is that these arrangements may need to be flexible and will vary according to the activity and needs of the group of children being cared for.

22.12 If day care is provided for babies and toddlers on non-domestic premises:

- There is a separate base room for children under two. However, they should be able to have contact with older children and details of how this will be achieved should be included in the operational plan and agreed with CSSIW.
- Nappy changing facilities are provided which meet environmental health standards.
- Quiet areas are provided to enable individual sleep patterns to be facilitated.

22.13 In day care settings, there must be separate toilet facilities for adults. Staff should have a room or area available for breaks, away from areas being used by children.

**Standards
22.11 and
22.12 apply
to full day
care only**

- 22.14 A separate space or a partitioned area is available for children who want to relax, play quietly or sleep. It is equipped with appropriate furniture. This area may be converted from normal play space, but must allow children to rest safely without disturbance.
- 22.15 There is adequate storage space for equipment.
- 22.16 Normally, outdoor play space adjoining the premises is provided. It is safe, secure, well maintained and exclusively for the use of the children when the provision is operating. Exceptionally, where outdoor play space cannot be provided, children are safely escorted to local parks, playgrounds or the equivalent on a regular basis.
- 22.17 There is a minimum of one toilet suitable for use by children and one wash hand basin with hot and cold water available for every 10 children over the age of two years. Paper towels or separate towels are provided for each child.
- 22.18 There is an area where confidential information and necessary records can be stored securely and where staff may talk to parents confidentially.
- 22.19 In day care settings with built premises, there is a kitchen which is adequately equipped to provide meals and snacks for children and staff on the premises. If this is not available, the registered person will show how adequate arrangements will be made to provide food and drinks for children and staff.
- 22.20 Children do not have access to the kitchen unless it is being used solely for a supervised children's activity.
- 22.21 The kitchen conforms to environmental health and food safety regulations.
- 22.22 Arrangements are made, where necessary, to ensure that an adequate supply of clean bedding, towels, spare clothes and any other linen is always available.

**Standards
22.19 and
22.20 do not
apply to child
minders**

Standard 23: Equipment

Outcome:

Children have access to furniture, equipment, toys and materials that are appropriate and suitable for their needs.

The registered person is responsible for ensuring that:

- 23.1 Furniture, equipment and toys are provided which are appropriate for their purpose and help to create an accessible and stimulating environment. They are of suitable design and condition, well maintained and conform to BS EN safety standards or relevant Toys (Safety) Regulations where applicable.
- 23.2 Sufficient, suitable toys and play materials are available to provide stimulating activities and play opportunities for the children in all areas of play, learning and development. These are appropriate for the ages and individual developmental needs of the children attending and promote their cultural awareness and equal opportunities.
- 23.3 Where public unsupervised playgrounds are used, the children do not use faulty equipment.
- 23.4 Where indoor space is provided, there are sufficient numbers of child-sized chairs and tables to allow flexible arrangements for groups of children to play and eat together.
- 23.5 There is adequate equipment for outdoor and sporting activities where applicable.
- 23.6 During water sports, adequate life saving equipment and buoyancy aids are provided.
- 23.7 If caring for babies and other children under two:
 - Activities, toys and equipment are appropriate for the child's age and provide varied sensory opportunities and experiences both indoors and outdoors.
 - Some domestic style furniture is provided to assist children in developing mobility and to continue normal life experiences.
 - Cots or other appropriate furniture are provided for children to rest or sleep.

Standard 24: Safety

Outcome:

Children are cared for and have their needs met in a safe environment.

The registered person is responsible for ensuring that:

- 24.1 Safety is promoted within the setting and on outings, and proper precautions are taken to prevent accidents.
- 24.2 Hazards to children on the premises, both inside and outside, are kept to a minimum. Health and safety regulations are complied with and staff are trained to understand health and safety requirements for the environment in which they work.
- 24.3 Children are supervised at all times, and extra care is taken during activities which may carry some level of danger.
- 24.4 Children can play safely outside through a combination of supervision and protection from hazards.
- 24.5 There is a system for managing access to the premises and a record of visitors kept.
- 24.6 When in high or low chairs children are secured in safety harnesses as appropriate.
- 24.7 Sleeping babies are frequently checked by a member of staff. All persons providing care are made aware of guidance on sleeping babies.
- 24.8 The premises, including any outside play areas, are secure and children are not able to leave unsupervised. This does not apply to open access play provision.
- 24.9 In open access play provision operating in public parks or other public areas, children are not at risk from members of the public and are protected from unwanted attention.
- 24.10 In open access play provision good practice should be followed in terms of safety and child protection when children are leaving the provision.

- 24.11 A risk assessment of the premises is completed at least annually and is reviewed when there are any changes to the premises or the needs of the children. An action plan with timescales identifies action to be taken to minimise identified risks.
- 24.12 Risk management of individual activities and play opportunities balances risk of harm against the benefits for the child, for example, in extending their knowledge of the world, developing skills and physical or emotional well-being.
- 24.13 Ponds, drains, pools or any natural water, are made safe or inaccessible to children.
- 24.14 There are no poisonous or hazardous plants indoors where child care is delivered. Poisonous or hazardous outdoor plants should be inaccessible to children.
- 24.15 Any door fitted with glass has safety glass or is covered with protective plastic film.
- 24.16 Adequate public liability insurance for the provision is in place.
- 24.17 Potentially hazardous equipment is securely anchored and/or stored.
- 24.18 Where required by relevant legislation, gas, electrical, oil and coal burning appliances and fittings, including central heating systems and fires, are regularly checked by an approved technician. Such appliances must conform to safety requirements, are to be appropriately guarded and must not cause a hazard to children. Appropriate certification must be kept and be available for inspection by CSSIW.
- 24.19 There are clearly defined procedures, known to all staff, for emergency evacuation of any premises. Fire drills are carried out at least every 6 months, recognising that young children benefit from more frequent practice. Records are kept to the satisfaction of the Fire Safety Officer, are kept for inspection in a fire logbook and safety certificates are obtained as required.
- 24.20 Where children are located above or below ground level they can be evacuated safely.
- 24.21 Fire doors are not obstructed and fire exits are clearly identified and easily opened from the inside.

- 24.22 Fire blankets, extinguishers, alarms and smoke detectors which conform to BS EN standards are provided as necessary. These are checked to the frequency specified by the manufacturer and kept in working order.
- 24.23 Any recommendations made by the Fire Safety Officer are complied with and adequate precautions are taken against the risk of fire.
- 24.24 For non-domestic premises a fire risk assessment is conducted and regularly reviewed in accordance with the Regulatory Reform (Fire Safety) Order 2005.
- 24.25 There is a procedure for safe conduct of any outings. Records are kept about vehicles in which children are transported, including insurance details and a list of named drivers.
- 24.26 Drivers using their own transport have a valid licence, the appropriate insurance cover and where required a current MOT certificate.
- 24.27 Car seats appropriate to the age and height of the child should be used when transporting children.

Annex A: Overnight care

These additional criteria must be met by registered persons who care for children overnight.

Staffing ratios

- a.1 The relevant adult:child ratios are maintained overnight (see NMS 15). In non-domestic settings, a minimum of two members of child care staff, one of whom must be awake, are on the premises at all times during the night.

Premises

- a.2 The children sleep in a separate area or room, which is adequately heated.
- a.3 Each child staying overnight has a suitable bed or cot and clean bedding.
- a.4 Children have access to adequate toilet and washing facilities. The privacy of older children is respected during bath time and when undressing.

Safety

- a.5 The sleeping areas do not have any health or safety hazards.
- a.6 Sleeping areas to be used by children are inspected by the Fire Safety Officer and all recommendations on fire safety and arrangements for safe emergency evacuation are met before any child is looked after overnight.
- a.7 Appropriate security systems are in place in order to protect the premises from unauthorised entry. No one over the age of 16 may stay on the premises overnight unless a satisfactory enhanced criminal record certificate (CRB enhanced disclosure) has been issued in respect of that person.

Health

- a.8 There is a good general level of hygiene, decoration and cleanliness in all sleeping areas.

Food and drink

- a.9 Suitable meals/feeds/drinks are provided. Requirements are discussed with parents in advance.

Working with parents

- a.10 Parents are consulted about and shown all the arrangements that are in place or will be made, for their child to be looked after overnight.

- a.11 Providers request information from parents on the child's sleeping habits and any problems which may arise during the night, e.g. bedwetting, nightmares etc. and seek to ensure a consistent and sensitive approach.

Contract

- a.12 No child is received into the provision without emergency contact numbers being provided. If the parents are unavailable to be contacted, another named person is available to collect the child if necessary.
- a.13 A contract, signed by the parent, stating all relevant details about the child and their care, including the name of the emergency contact and confirmation of their agreement to collect the child during the night if necessary, is obtained.

Annex B: Nursery schools

A variety of institutions may describe themselves as Nursery Schools. They have in common that they deal exclusively or almost exclusively with children under the age of five. They are neither maintained by a local education authority nor administered as an integral part of an independent school, but they differ in the extent and form of their educational provision.

For the purpose of registration, an institution comes within the definition of a private nursery school – and is thus distinguished from the generality of day nurseries - if its distinctive educational emphasis is such as to fulfil each of these conditions:

- It is open for the period of the school day during school term.
- It provides for children in the 3-5 age range.
- The children are under the oversight of a qualified teacher.
- Support is provided by a qualified nursery assistant.

If the head combines teaching and administrative tasks and, like her/his peer in maintained nursery schools, is included within the staffing ratios, the minimum staff: child ratio is 2:20.

If the head is not engaged in teaching and is excluded from the ratios, the minimum staff:child ratio is 2:26.

In either case one must be a qualified teacher and the other one a qualified nursery assistant. They must be in post, not simply on the complement. Otherwise a ratio of 1:8 should apply.

In all other respects the provisions of the full day care standards will apply.